

MINUTES
NATURAL RESOURCES COMMISSION

AUGUST 14-15, 2003

Lansing Center
333 E. Michigan Avenue
Lansing
-and-
Stevens T. Mason Building
530 W. Allegan
Lansing

Present for the Commission

Jim Campbell
Keith Charters, Chair
Paul Eisele, Vice-Chair (Thursday Only)
Bob Garner
John Madigan
Bill Parfet

Absent for the Commission

Frank Wheatlake

Present for Staff

K. L. Cool, Director
A. Michael Leffler, Legal Counsel
George Burgoyne, Resource Management Deputy
Department Staff

COMMITTEE OF THE WHOLE

Chairman Charters called the Committee of the Whole Meeting of the Natural Resources Commission (NRC) to order at 3:10 p.m. on Thursday, August 14, 2003. The Committee of the Whole is a working session of the NRC.

Natural Rivers

Steve Sutton, Fisheries Division, Natural Rivers Program, reported that, during the designation process the following have occurred relative to the Pine and the Upper Manistee Rivers:

- Six public meetings were held introducing the concept of Natural Rivers designation;
- 101 Citizen Advisory Group meetings were held over two and one-half years to develop the management plans;
- Three informational meetings were held during the plan writing process;
- Two additional informational meetings were held after plan development;
- 12 public hearings were held around the State to take comments regarding the draft management plans: 650 people attended in total with 290 attendees making comments of which 138 were in support and 152 opposed.
- 760 written comments were received with 585 in support and 175 opposed;
- More than 1000 TOTAL comments were received of which 723 were in support and 327 in opposition.

Natural Rivers staff mailed over 4000 notices to interested parties informing them that the draft plan and the hearing record are available on the DNR web site. The draft plan incorporates changes that resulted from comments received.

Mr. Sutton commented that most local units of government oppose the designation, but support natural resources protection and watershed management on a local basis. Three common concerns by those opposed were: loss of local zoning control; taking of private property without compensation; and unreasonable development standards being imposed.

Mr. Sutton concluded that public comment confirmed that significant broad supports exists for the Pine and Upper Manistee River designations. Changes made as a result of public comment have addressed many of the concerns creating that broad support.

Commissioner Eisele commented that the changes made to the draft plan were responsive to comments received. Relative to aquaculture facilities, he questioned whether a new or expanded facility would need a special use permit.

Mr. Sutton responded that the plans do not specifically preclude aquaculture facilities.

Commissioner Parfet questioned the role of the NRC in Natural Rivers matters. The NRC's role is to either accept or deny the proposal for decision in the event a party appeals a designation on their property. **Mr. Sutton** said that staff is attempting to provide for local concerns.

Commissioner Garner stated that in Wexford County, approximately 90 percent supported more protection of the rivers.

The designation of the Pine and Upper Manistee Rivers and the approval of the management plans for the Pine and Upper Manistee Rivers will be on the September NRC agenda for Director's Action.

Lake Erie Fishing Regulations

Kurt Newman, Fisheries Division, discussed the jointly developed plan for managing walleye harvest in Lake Erie. The Lake Erie Committee, consisting of members of the states bordering Lake Erie and the Province of Ontario, is the major vehicle utilized for plan development and implementation and is charged with the task of setting lake-wide harvest levels.

Mr. Newman reported on the walleye harvest for 2002. The walleye population is currently dominated by two and four-year old fish, and doesn't exhibit a stable age distribution. It is projected that there will be less than one million two-year old fish in the population in 2004 because of a 2002 year-class failure, and the entire population of walleye in the lake may drop below lake-wide conservation levels (19 million fish) in 2003. It is difficult to determine the cause and effect for weak recruitment and declining populations in recent years, however, poor climatic conditions and reduced lake productivity may be two of the primary causes for observed negative trends in walleye recruitment and population number.

The Lake Erie Committee intends to implement regulations to significantly reduce walleye harvest by recreational anglers and commercial operations in Lake Erie for 2004 to protect walleye stocks. The DNR has engaged the public on this issue and will continue to do so.

Proposed regulation changes include: increasing the minimum size limit from 13 inches to 15 inches; reducing the daily bag limit from six to five fish; and closing the harvest season between April 1 and May 31 in Lake Erie. This will result in a total 40 percent reduction in total harvest of walleye in Michigan's waters of Lake Erie. The minimum size limit for walleye on the Detroit River, Lake St. Clair, and the St. Clair River will be increased from 13 to 15 inches.

Mr. Newman stated that Pennsylvania, Ohio, New York and Ontario are also making changes to their regulations for walleye fishing on Lake Erie.

Discussion ensued regarding future planning activities.

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At 4:15 p.m., the electrical power went out. No audio tapes are available for the remainder of the meeting on August 14, 2003.

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The Committee of the Whole adjourned at 4:33 p.m.

REGULAR MEETING OF THE NATURAL RESOURCES COMMISSION

Chairman Charters called the regular meeting of the Natural Resources Commission (NRC) to order at 4:45 p.m.

Chairman Charters recognized **Senator Patty Birkholz**.

PUBLIC APPEARANCES

Guy and Jan Dobies, Brighton
Rob Anderson, Michigan Farm Bureau
Ellen Nitz
Fred Beyer, Brighton Township
Adam Bump, Ruffed Grouse Society
Wanda Callahan, Brighton
Peter Gustafson, Pigeon River Country Advisory Council
Larry Holcomb, Olivet
Ray Hoobler, Pigeon River Country Association
Lillian Hopkins, Brighton
Brian Linman, South Lyon
Hilary Snell
Ed Spinazzola, Quality Deer Management Association
Bob Ulrich, Cheboygan Area Snowmobile Club
Donna Veine
Dan Vogler, Michigan Aquaculture Association
Sam Washington, MUCC
Rick Weigand, Brighton
Steve Wyckoff, Citizen's Waterfowl Advisory Council

Steve Wyckoff, Citizen's Waterfowl Advisory Council (CWAC), supported Option 1 of the proposed Waterfowl Regulations. He appreciates the opportunity to comment and advise the DNR and NRC on these regulations and believes these regulations optimize the waterfowl hunting opportunity.

Ray Hoobler, Pigeon River Country Association, requested that hydrocarbon production in the Pigeon River country end as soon as possible; that there be no transfer of leases to "reduce operating costs"; that all well sites and production facilities be completely removed and the locations be restored when Shell's operating costs exceed the revenue of the well; and that there will be no further hydrocarbon development in the Pigeon River Country as promised by the 1987 "Guyer agreement" and Governor Engler in his 1997 State of the State address. He also requested that they be consulted on any conditions set for the transfer of

Shell's assets in the Pigeon River Country before such a transfer is approved. **Mr. Hoobler** presented a resolution detailing the requested items.

Hilary Snell requested that the DNR remove the authority of Grayling Township to administer the Natural Rivers Act or direct the Attorney General to intervene in their lawsuit as a party plaintiff or take such other action as may be appropriate to end the continued overuse of finite river resources. He does not believe the Natural Rivers Act will achieve its objectives if it is not enforced by the DNR. He stated that Bed and Breakfast permits have already been granted by Grayling Township officials on the Au Sable River and it is the stated purpose of local officials to grant more of the same.

Donna Veine spoke on behalf of her husband, **Michael Veine**, who is a charter boat captain on Lake Erie and also an outdoor writer. She requested that the DNR reject the proposed Lake Erie fishing regulations and recommended an overall reduction in the catch limit and/or raising the legal size limit.

Commissioner Garner, who is familiar with the outdoor writings of Mr. Veine, recommended that Mr. Veine give biologists more recognition for their credibility and scientific integrity.

Rick Weigand, Brighton resident, requested that, unless the DNR can bring the Island Lake Shooting Range into "full compliance" with 'the agreement' and the 'ordinance,' that the NRC support the closure of this range in its entirety. He presented a document containing 200 signatures that state that the shooting range is a nuisance.

Director Cool stated that **Guy Gordon, Chief of Staff**, has been assigned to investigate and address, where possible, the noise issue at the shooting range. **Mr. Gordon** will develop a clear assessment of things that can be done to reduce noise from the range. He stated that the location of the range was not the first choice of the DNR, and that the township supported the existing location as an alternative since it was located adjacent to I-96. **Mr. Gordon** provided an update on efforts taken to date to resolve noise issues. **Mr. Gordon** said that the DNR will proceed with working on improvement where possible for noise control.

Sam Washington, MUCC, stated that all kinds of ambient noises exist in the area of the Island Lake Shooting Range, including noise from six lanes of I-96. He said that shooting is a legitimate activity practiced by many and that any consideration of shutting down this range is unconscionable.

Mr. Washington requested that the NRC consider some slack in the baiting and feeding policy in the Upper Peninsula.

SAFARI CLUB INTERNATIONAL AWARD PRESENTATIONS

Representatives of the Michigan Involvement Committee of Safari Club International presented awards to the 2003 Michigan Conservation Officer of the Year and Biologist of the Year as well as prizes to hunters who were timely in their response to the 2002 deer season mail survey. Following are the Award Recipients:

Conservation Officer Troy Bahlau received the Conservation Officer of the Year Award. Captain Tim Nixon accepted the award on behalf of C.O. Bahlau, who is on military duty.

Rebecca Humphries, Chief, Wildlife Division, was presented the Biologist of the Year Award.

Nathan Burrell received the Gun Award.

Joseph Arnold received a scholarship in lieu of a Bow due to his age.

Dennis Wheatly received the Bow Award.

Bruce Eavenson, Michigan Involvement Committee of the Safari Club International, presented a special award to Richard Mielke, for 22 years as Chairman of the Michigan Involvement Committee. He recently stepped down from that post.

PUBLIC APPEARANCES (continued)

Roland Bell, Michigan Duck Hunters Association, supports Option 1 of the proposed Waterfowl Regulations to create a greater overlap in duck and waterfowl seasons.

Bob Ulrich, Cheboygan Area Snowmobile Club and the Inland Lakes Snowmobile Club, reviewed the status of the portion of the Gaylord to Cheboygan Trail between Indian River and Cheboygan. He recommended that this portion of the trail be opened to snowmobile use for the upcoming season. He presented a petition with over 4,700 signatures of those who want to see a connector trail opened between Indian River and Cheboygan. He also presented a letter from the Cheboygan Tourist Bureau requesting that the DNR open the trails to snowmobiling on a temporary basis until such time that a permanent connector trail can be developed. **Mindy Koch, Chief, Forest, Mineral and Fire Management Division**, reported that the committee developed to address this issue is working diligently to develop recommendations. **Commissioner Parfet** suggested consideration of opening up the trail for snowmobiling for the upcoming season pending recommendations from the committee. Discussion ensued.

Peter Gustafson, Pigeon River Country Advisory Council, presented an Advisory Council resolution recommending that the Director of the DNR, the NRC, and the Director of the Department of Environmental Quality not approve the transfer of Pigeon River Country oil and gas leases and production rights from Shell to a buyer. Discussion ensued.

Commissioner Garner read into the record, a statement from **Ray Underwood**, recommending that the DNR request an outside peer review of the overall proposal for Lake Erie fishing regulations; recommending that all of the fishable waters for allowable catch of walleye from March 1 to May 15, including the spawning rivers; and demand that international neighbors participate in efforts to restore and protect the resource.

Dan Vogler, Michigan Aquaculture Association, expressed concern that there are a large number of townships and counties who objected to adoption of Natural Rivers designations, believes that analysis of the public comments received on the issue are inadequate and that many issues have not been addressed. He specifically commented on aquaculture facilities stating that there is no history of harm from these facilities, and it is unfair that they are not permitted under the draft management plans.

Adam Bump, Ruffed Grouse Society, generally supported Natural Rivers designation of the Pine and Upper Manistee Rivers. However, he expressed concern with the potential loss of aspen management on public lands in the designated areas.

Larry Holcomb, Olivet, practices quality deer management in Calhoun and Eaton counties with the goal of increasing the buck-to-doe ratio. He strongly supports farmer and hunter participation in the programs set up to provide food to the hungry.

Brian Linman, South Lyon, resides one mile south of the Island Lake Shooting Range. He expressed concern with the increased noise level from the sporting clay fields at the Range. He also expressed concern with lead levels from the Range.

Fred Beyer, Brighton Township resident, is troubled with the increased noise levels resulting from the Island Lake Shooting Range.

Wanda Callahan, Brighton, commented on the increased noise levels at the Island Lake Shooting Range since April, 2003. She lives 1.25 miles from the range.

Rob Anderson, Michigan Farm Bureau, opposed the Natural Rivers designation of the Pine and Upper Manistee Rivers. He stated that Farm Bureau Policy does not oppose the Management Plans, however, this is a local control issue and that ultimately control rests with the DNR. He expressed concern with the elimination of aquaculture facilities in designated areas and offered that provisions addressed in Farm Bureau policy would provide enhanced protection to Natural Rivers.

Ellen Nitz resides within one mile of the Island Lake Shooting Range and reported that, though the drone from I-96 is continual, the loud sharp sounds from the shooting ranges are heard over the I-96 noise.

Lillian Hopkins, Brighton, requested that the noise levels from the Island Lake Shooting Range be kept below 65 decibels.

Guy and Jan Dobies, Brighton, oppose the expansion of sporting clay fields to the Island Lake Shooting Range due to increased noise levels above 65 decibels.

Ed Spinazzola, Quality Deer Management Association, attended the NRC Policy Committee on Wildlife Issues meeting. He agreed with the presentation on antler management. He believes there will be a problem with deer management if the average age of a harvested does falls below a certain level. He questioned what the ratio of does to bucks harvested is.

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The Natural Resources Commission meeting adjourned at 7:40 p.m. on Thursday, August 14, 2003 and reconvened at 8:45 a.m. on Friday, August 15, 2003.

STAFF REPORTS

Island Lake Shooting Range

Guy Gordon, Chief of Staff, reviewed the results of the sound levels testing performed over the past month at the Island Lake Shooting Range. The test was conducted by Clayton Group Services, Novi. Independent studies were conducted at seven different locations around the Shooting Range. Sound level measurements were taken between 12:20 p.m and 2:20 p.m. at "fence line" locations surrounding the firearms shooting range while shooting competition was taking place.

Mr. Gordon has personally met with the Weigand's and other concerned citizens at the Weigand home as well as visiting the area within a one mile radius of the Shooting Range on three other occasions over the past two months. He has also spoken with the Island Lake State Park Manager and met with park officers,

Livingston County Conservation Officers, and visitors at the Island Lake Beach (picnic area) to obtain their input on the sound levels from the Shooting Range. **Mr. Gordon** reported that the DNR has invested nearly a quarter of a million dollars over the construction budget to construct an acoustically, state-of-the-art facility.

Jim Dubbs, DNR Grants, Contracts, and Customer Systems, handles the contract between the DNR and the Island Lake Shooting Range operator, Mr. Lieske. He stated that Mr. Lieske is a nationally known shooter and shooting instructor and views his investment at the Range as long term. Mr. Lieske continues to receive numerous harassment calls. **Director Cool and Mr. Gordon** met with Mr. Lieske for an on-site visit to review pistol/rifle/trap/skeet/sporting clay operations and discuss potential measures to further minimize sound levels from the range.

Commissioner Parfet believes that shooting ranges are critical in maintaining the hunting heritage in Michigan. He recommended that all parties come together to develop a solution.

Director Cool said he is hopeful that the alleged noise issues can be reasonably addressed. He stated it is a good time to look at all the ranges in the state and to develop updated, nationally recognized standards.

Natural Rivers Designation

Dr. Kelley Smith, Chief, Fisheries Division, and Matt Fry and Tom Rozich, Fisheries Division, commented that the list of townships opposing Natural Rivers designation for the Pine and Upper Manistee Rivers as presented Thursday by Dan Vogler was not up-to-date and somewhat inaccurate. Some of the townships listed had issues that have been resolved or had never opposed designation. Staff worked very hard to come to resolution with the aquaculture industry. The designations do not exclude aquaculture facilities. Existing or proposed new facilities would, however, have to obtain land use variances. Discussion ensued.

Dr. Smith is satisfied that the process of review for of these plans has reached all interested parties and that the draft plans were developed in conjunction with input from advisory groups.

Mr. Rozich believes the DNR can work with the Ruffed Grouse Society on its issues and come to an agreeable solution.

Dr. Smith said that comments will be taken into consideration up to the day the Director makes his decision on September 12. He believes these plans provide a better protection for these rivers than if under local control. He said that the Natural Rivers program is about watershed management, and wise land use on a

large scale and that such management crosses many local, political boundaries. Local units generally struggle to work together and frequently do not, on these types of issues. If management is under local control, then the DNR will be unable to manage the resources on a watershed basis.

Land Use Council

Director Cool commended Chairman Charters for his skills in chairing the final meetings of the Land Use Council. **Chairman Charters** noted that finding consensus on all issues was difficult, specifically issues such as transfer of development rights, roads, and water and sewer. He stated that everyone gave a little and got a little and that the end report is truly the art of compromise. The report was submitted to Governor Granholm on Monday, August 18.

DIRECTOR'S ACTION ITEMS

Director Cool intends to sign all Director's Action Items on the Agenda.

APPROVAL OF MINUTES – JULY 10-11, 2003 NATURAL RESOURCES COMMISSION MEETING

Commissioner Garner made a motion, supported by Commissioner Madigan, for approval. Motion unanimously carried.

2004 NATURAL RESOURCES COMMISSION MEETING DATES

Following are the proposed dates for the 2004 NRC Meetings:

January 8-9
February 5-6
March 4-5
April 1-2
May 6-7
June 3-4
July 8-9
August 12-13
September 9-10
October 7-8
November 4-5
December 9-10

Commissioner Garner made a motion, supported by Commissioner Madigan, for approval. Motion unanimously carried.

**WATERFOWL AND OTHER MIGRATORY BIRD HUNTING REGULATIONS
FOR 2003-2004 – WILDLIFE CONSERVATION ORDER, AMENDMENT NO. 13**

Commissioner Parfet made a motion, supported by **Commissioner Garner**, to support Option 1. Roll call was taken: Voting Yes: Commissioners Parfet, Garner and Charters. Voting No: Commissioners Madigan and Campbell. Motion carried 3-2.

NRC POLICY COMMITTEE ON WILDLIFE ISSUES MEETING REPORT

Commissioner Garner reported that a meeting of the NRC Policy Committee on Wildlife Issues was held on Thursday, August 14, 2003 at 1:00 p.m. at the Lansing Center. Proposed waterfowl regulations were discussed as well as Quality Deer Management and how to proceed with the program.

**STATE TRAIL DEDICATION, BARAGA FOREST MANAGEMENT UNIT –
HOUGHTON COUNTY, HANCOCK TO RIPLEY CONNECTOR**

Commissioner Garner made a motion, supported by **Commissioner Parfet**, for support. Motion unanimously carried.

**GIFT OF STATE TRAIL EASEMENT AND BOUNDARY DEDICATION, POLLY
ANN TRAIL – OAKLAND COUNTY – LAND TRANSACTION CASE #20031002**

Commissioner Madigan made a motion, supported by **Commissioner Garner**, for support. Motion unanimously carried.

**NRC POLICY COMMITTEE ON TECHNOLOGY, INFORMATION, MARKETING
AND EDUCATION (TIME)**

Commissioner Garner reported that the NRC Policy Committee on TIME met at 11:30 a.m. on Thursday, August 14, 2003 in the Lansing Center. The following items were discussed: Update on Frequently Asked Questions; DNR Guides and Publications; Self-serve License Kiosks – Pilot Project; Customer Services Team; and LAPs Program.

Chairman Charters stressed the importance of maintaining an appropriate level of funding for educational programs in the DNR and that education remains a priority.

COMMISSIONER REPORTS

Commissioner Parfet received correspondence relative to the use of snowmobiles on the Cheboygan to Gaylord Trail-Mullet Lake and said a decision needs to be made soon. Discussion was held relative to the Pigeon River lease transfer. **Commissioner Parfet** suggested that the DNR take over the leases to

allow for more DNR control. **Mindy Koch** responded that options will be explored.

Commissioner Garner attended a meeting of Woodcocks Unlimited; and received a number of phone calls, letters and e-mails relative to DNR issues.

Commissioner Madigan reported that he chaired a meeting of the Habitat Work Group in Escanaba; and received correspondence and phone calls.

Commissioner Campbell met with Wildlife Division staff and Commissioner Garner to discuss wildlife related issues; and received several phone calls regarding the Island Lake Shooting Range and Lake Erie Fishing Regulations.

Chairman Charters attended the CWAC meeting in Traverse City; and met with Commissioner Wheatlake and Senator McManus relative to fostering better communication on the DNR budget issues.

NRC PUBLIC APPEARANCE GUIDELINES

Chairman Charters intends to update the NRC Public Appearance Guidelines for NRC approval.

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The meeting adjourned at 10:55 a.m.

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